

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 CalWORKs Non-Minor Dependent – AB1712/AB212

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held January 8, 2014, as follows:

Office Building # 8
744 P Street, Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on January 8, 2014.

Following the public hearing, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons, are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social Services
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CHAPTERS

Manual of Policies and Procedures 40-100 General; 42-400 Residence; 82-500 Child Support Enforcement Program.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law requires California Work Opportunity and Responsibility to Kids (CalWORKs) non-minor dependents (NMDs) to comply with the requirements for Statewide Fingerprint Imaging System (SFIS), child support referral, and residency. NMDs must be fingerprinted and photo imaged, referred to the local child support agency for the collection or enforcement of child support, and be placed with approved relatives in-state.

Effective January 1, 2013, Assembly Bill (AB) 1712 (Chapter 846, Statutes of 2012):

- 1) exempts NMDs from the SFIS requirements,
- 2) exempts parenting NMDs from referral to the local child support agency for the payment of child support while in foster care, and
- 3) allows NMDs to receive extended CalWORKs benefits even if they are placed with an approved relative in another state.

Effective October 4, 2011, AB 212 (Chapter 459, Statutes of 2011) exempts parents of NMDs from referral to the county for child support payments.

These proposed regulations amend the California Department of Social Services Manual of Policies and Procedures to extend CalWORKs benefits to NMDs placed with approved relatives out-of-state and exempt NMDs from the SFIS and child support referral requirements.

The Department anticipates that these proposed regulations will benefit CalWORKs NMDs by expanding their placement options and reducing barriers to eligibility. Also, by not referring parenting NMDs to the local child support agency, AB 1712 will allow NMDs to retain more of their benefits. These, in turn, will ease the transition to adulthood while improving well-being and outcomes for NMDs.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 1712 and AB 212, as well as with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: No Impact
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: No Impact
4. Federal Funding to State Agencies: No Impact

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because this action only pertains to exempting NMDs from the SFIS and child support referral requirements, and allows them to receive extended CalWORKs benefits while placed with an approved relative out-of-state.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California. These amendments will improve the health and welfare of California residents by improving the well-being and outcomes for eligible foster youth and by easing their transition to adulthood. Without this added safety net, youth who are forced to leave the foster care system at age 18 will face high rates of homelessness, incarceration, and reliance on public assistance.

The documents relied upon in proposing this regulatory action are Assembly Bill 1712, Chapter 846, Statutes of 2012 and Assembly Bill 212, Chapter 459, Statutes of 2011.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

In developing the regulatory action no reasonable alternatives to the statutes (i.e., AB 1712 and AB 212) have been presented to consider.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific Sections 11253(b)(2) and 11253(c), Welfare and Institutions Code; and, Sections 17552(e) and 17552(f), Family Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Kenneth Jennings	(916) 651-8267
Backup:	Zaid Dominguez	(916) 651-8267

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.